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MONTANA LEGISLATIVE HISTORY

Chapter 278 19 93

Bill H 336 S _____ Original bill & history ✓C

H. Committee on Highways & Trans		S. Committee on Highways & Trans	
Hearing Date(s) 2-3	✓C	Hearing Date(s) 3-16	✓C
2-15	✓C	3-18	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO JUDICIARY		
3/18	HEARING		
3/29	TABLED IN COMMITTEE		
3/30	TAKEN FROM COMMITTEE AND PLACED ON 2ND READING	38	11
3/31	2ND READING CONCURRED AS AMENDED	41	7
4/01	3RD READING CONCURRED	38	10
	RETURNED TO HOUSE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	95	3
4/12	RECONSIDERED PREVIOUS ACTION		
4/14	2ND READING AMENDMENTS NOT CONCURRED	91	6
4/15	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE DISSOLVED		
4/15	FREE CONFERENCE COMMITTEE APPOINTED		
4/21	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/22	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	93	6
4/22	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	97	3
	SENATE		
4/19	FREE CONFERENCE COMMITTEE APPOINTED		
4/21	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/21	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/22	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	0
4/28	SIGNED BY SPEAKER		
4/28	SIGNED BY PRESIDENT		
4/29	TRANSMITTED TO GOVERNOR		
5/11	SIGNED BY GOVERNOR CHAPTER NUMBER 631 EFFECTIVE DATE: 10/01/93		

HB 336 INTRODUCED BY BIRD, ET AL.

CHANGE PROOF OF AUTO INSURANCE CERTIFICATION LAW

1/23	INTRODUCED		
1/23	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/23	FIRST READING		
2/03	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED		
2/17	2ND READING PASSED	95	1
2/19	3RD READING PASSED	97	1
	TRANSMITTED TO SENATE		
2/22	FIRST READING		
2/22	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/16	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED		
3/22	2ND READING CONCURRED	31	16
3/23	3RD READING CONCURRED	39	10
	RETURNED TO HOUSE		
3/27	SIGNED BY SPEAKER		
3/31	SIGNED BY PRESIDENT		
4/02	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR CHAPTER NUMBER 278 EFFECTIVE DATE: 10/01/93		

- BILL NO -	REFERRED -	HEARING -	OTHER CONSIDERATION DATES -	EXECUTIVE ACTION/DATE/VOTE -------	REREFERRED ----	DATE READ
HB0180	ANDERSON, SHIELL		REVISE DEFINITION OF SPECIAL MOBILE EQUIPMENT			
	1/14	1/20		PASS AS AMENDED 1/22 VOTE: 14-0		1/25
HB0197	QUILICI, JOE		DESIGNATE SILVER BOW AND DEER LODGE COUNTIES AS A CULTURAL HERITAGE AREA			
	1/15	1/25		PASS AS AMENDED 1/25 VOTE: 16-0		1/27
HB0209	GRADY, ED		CLARIFY JUNK VEHICLE EXEMPTION FROM SINGLE MOVEMENT PERMIT			
	1/16	1/25		DO PASS 1/25 VOTE: 16-0		1/27
HB0232	CLARK, ROBERT		REVISE TRUCK AND TRUCK TRACTOR BRAKE LAWS			
	1/19	1/29		DO PASS 1/29 VOTE: 14-0		2/01
HB0233	BENEDICT, STEVE		REVISE LAW RELATING TO PEDESTRIANS CROSSING ROADWAY WITHIN A CROSSWALK			
	1/19	1/29		DO PASS 2/10 VOTE: 15-0		2/12
HB0256	TOOLE, HOWARD		REVISE FEE FOR SPECIAL LICENSE PLATES FOR DISABLED VETS			
	1/20	1/29		PASS AS AMENDED 1/29 VOTE: 14-0		2/01
HB0270	GRADY, ED		FRATERNAL ORGANIZATION SPECIAL LICENSE PLATES			
	1/20	1/29		TABLED ON 02/03 VOTE:		
HB0294	LARSON, DON		REVISE LAW CONCERNING VEHICLE LOADS			
	1/21	2/01		PASS AS AMENDED 2/1 VOTE: 11-4		2/02
HB0310	WINSLOW, KARYL		ALLOW DEPT OF TRANSPORTATION TO LIMIT VEHICLE SIZE AND NUMBER OF TRIPS			
	1/22	2/17		TABLED ON 02/17 VOTE:		
HB0336	BIRD, JODY		CHANGE PROOF OF AUTO INSURANCE CERTIFICATION LAW			
	1/23	2/03		DO PASS 2/15 VOTE: 15-0		2/16
HB0337	BROWN, DAVE		CREATE NONRESIDENT TEMPORARY USE PERMIT FOR OFF-HIGHWAY VEHICLES			
	1/23	2/01		PASS AS AMENDED 2/1 VOTE: 15-0		2/02
HB0356	GILBERT, BOB		CLARIFICATION OF PSC AUTHORITY OVER CARRIER FITNESS AND COMPLAINTS			
	1/26	2/05		DO PASS 2/5 VOTE: 15-0		2/06

HOUSE BILL NO. 336

INTRODUCED BY BIRD, EWER, CLARK, VOGEL, MCCAFFREE, FOSTER, GILBERT

IN THE HOUSE

JANUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1993	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 97; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 22, 1993	SECOND READING, CONCURRED IN.
MARCH 23, 1993	THIRD READING, CONCURRED IN. AYES, 39; NOES, 10.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 24, 1993	RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 336

INTRODUCED BY McCann Bird Ender Clark Wyatt Foster Dillard

A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE REQUIREMENT THAT A CERTIFICATION OF PROOF OF COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY LAW BE SIGNED BY A MOTOR VEHICLE OWNER BEFORE THE OWNER MAY REGISTER THE VEHICLE; ABOLISHING THE PENALTY FOR FALSIFYING A CERTIFICATION; PROVIDING THAT THE REGISTRATION RECEIPT MUST STATE THAT IT IS UNLAWFUL TO OPERATE A VEHICLE WITHOUT COMPLYING WITH THE FINANCIAL RESPONSIBILITY LAW; AND AMENDING SECTION 61-6-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-6-302, MCA, is amended to read:

"61-6-302. Proof of compliance. (1) ~~Except as provided in subsection (2), before any applicant required to register his motor vehicle may do so, the applicant must certify to the county treasurer that he possesses an automobile liability insurance policy, a certificate of self-insurance, or a posted indemnity bond or that he is eligible for an exemption under 61-6-303 covering the motor vehicle. The certification shall be on a form prescribed by the department. The department may immediately cancel the registration and license plates of the vehicle upon notification that the insurance certification was not correctly represented. Any person who intentionally provides false information on an insurance certification is guilty of unsworn falsification to authorities, punishable as provided in 45-7-203.~~ The registration receipt required by 61-3-322 must contain a statement that unless the vehicle is eligible for an exemption under 61-6-303, it is unlawful to operate the vehicle without a valid motor vehicle liability insurance policy, a certificate of self-insurance, or a posted indemnity bond, as required by 61-6-301.

~~(2) An applicant for registration of a motor vehicle who wishes to register the vehicle by mail must sign a statement on the application stating that the applicant is in compliance with the financial liability requirements of 61-6-301.~~

~~(3)~~(2) An owner of a motor vehicle who ceases to maintain the insurance or bond required or whose certificate of self-insurance is canceled or whose vehicle ceases to be exempt shall immediately surrender the registration and license plates for the vehicle to the county treasurer for delivery to the department and may not operate or permit operation of the vehicle in Montana until insurance has again been furnished as required and the vehicle is again registered and licensed.

~~(4)~~(3) Every person shall carry in a motor vehicle

LC 1207/01

HB 336
INTRODUCED BILL

being operated by ~~him~~ the person an insurance card approved by the department but issued by the insurance carrier to the motor vehicle owner as proof of compliance with 61-6-301. A motor vehicle operator shall exhibit the insurance card upon demand of a justice of the peace, a city or municipal judge, a peace officer, a highway patrol officer, or a field deputy or inspector of the department. However, ~~no~~ a person charged with violating this subsection may not be convicted if ~~he~~ the person produces in court or the office of the arresting officer proof of insurance valid at the time of ~~his~~ arrest."

-End-

HEARING ON HB 336

Opening Statement by Sponsor:

REP. JODY BIRD, House District 52, Superior, stated this bill was being introduced at the request of county treasurers. HB 336 abolishes the requirement that the vehicle owner have certified proof of compliance with the financial responsibility law prior to registering his or her vehicle. It is unlawful to operate a vehicle without insurance. **REP. BIRD** stated **SEN. DOHERTY** had a similar bill but the fines were different.

Proponents' Testimony:

Stan Hughes, Montana County Treasurers' Association, Gallatin Valley Treasurer, Bozeman, stated that they are speaking in favor of this bill and asking the committee's support. The idea is to get uninsured motorists off the road. The current statute is not the way to accomplish that goal, it is not enforceable and takes time in the motor vehicle lines. If someone does sign in good faith that they have insurance at the time, it is only for that day or that afternoon. The following day they may not have insurance and are signing in good faith it is only applicable at that particular moment. The reason the county treasurers support this bill is no one has ever been prosecuted in Montana for falsely swearing by signing this form. It would be nearly impossible to prove the person did not have insurance at the time that they signed. The only way to prove it would be to go to every licensed insurance company in the state of Montana to verify that the individual did or did not have coverage at the time of signing. The current law serves no purpose.

Dean Roberts, Montana Department of Transportation, stated that SB 153 was going to have executive action taken on it soon. SB 153 was a comprehensive penalty bill for not having insurance. The citizens of Montana believe the penalty for not having insurance was not great enough. There was no way to prosecute the people signing and who did not have insurance. The department believes it is important to give instruction to people that they must have insurance before they drive a vehicle. The penalties in SB 153 are much more severe.

Cort Harrington, Montana County Treasurers' Association, stated that this bill refers to the particular problem treasurers have with the signing. His concern is this is a narrow bill when the Senate bills are much broader. He sees a problem withholding this bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. LARSON stated that the driver who has insurance is noted on the registration. **Mr. Roberts** said the language on the signature would be basically the same.

REP. LARSON asked if the driver would be notified. **Mr. Roberts** stated yes.

REP. LARSON asked if there was a problem with a coordinating clause that states if SB 153 passed, HB 366 dies. **Mr. Roberts** indicated that would be fine.

REP. VOGEL said in section one, the old language stated a person must get insurance before they register the vehicle; the new section states before they can operate the vehicle. He stated that there is a big gap there. **Mr. Harrington** said he agrees that it should be changed. The change in this bill is simply to coordinate it with SB 153.

REP. HANSON asked if she bought a vehicle would she have to have insurance in order to drive it home. **Mr. Roberts** replied yes, current law says you must have liability insurance.

REP. MASON asked if SB 153 covered the non-insured motorists that could get plates. **Mr. Roberts** stated yes, it makes it mandatory for the courts to take the plates in their possession. The plates would be removed on second and third offense, not first offense.

Rep. Mason asked if, on the first offense they do not have insurance, were we going to turn them loose. **Mr. Roberts** stated that it would be a mandatory $500.00 fine. Currently the courts can fine up to $500.00.

Closing by Sponsor:

REP. BIRD said that any questions would be answered by Ms. Lane.

EXECUTIVE ACTION ON SB 133

Motion: **REPRESENTATIVE MOVED SB 133 BE CONCURRED IN.**

Vote: Motion **CARRIED** unanimously.

EXECUTIVE ACTION ON HB 270

Motion: **REPRESENTATIVE VOGEL MOVED HB 270 BE TABLED.**

Vote: Motion **CARRIED** unanimously.

person holds. He said the intent seemed to be to beat the system whose purpose was to preserve public safety. He opposed the bill.

REP. ENDY asked how the points were accumulated. **REP. VOGEL** answered that most moving violations in a city such as running a stop sign was two points; DUI-10 points; and reckless driving was five points. He noted that one could have three reckless driving citations and still be only halfway to the 30 points. Normal drivers were not harmed by the point system.

REP. WAYNE STANFORD asked if the point system was stricter for those with commercial licenses. **CHAIRMAN CLARK** said that two moving violations on a commercial license in one year will cause its removal; one could still drive a personal vehicle but not a commercial one and the class A rating was removed. The moving violations would have to occur while the person was driving a commercial vehicle in order to lose that license.

CHAIRMAN CLARK spoke against the bill saying that if one does the crime, one does the time. Commercial drivers should abide by the laws the same as everyone else.

Motion: **REP. WHALEN** moved the following amendment to HB 533 on page two, line six: "points accumulated while driving under a commercial vehicle operator's endorsement except for those obtained as a result of a dui conviction not apply to any other license".

REP. BILL TASH spoke against the amendment saying that the purpose of the bill was to allow drivers to keep their commercial licenses even though they were careless while driving their personal vehicles. He said he believed the bill itself was bad.

Motion/Vote: **REP. KARYL WINSLOW MADE A SUBSTITUTE MOTION TO TABLE HB 533.** The motion carried 12 to 4 with **REPS. WHALEN, STANFORD, ENDY** and **RYAN** opposed.

EXECUTIVE ACTION ON HB 336

Motion: **REP. BARNETT MOVED HB 336 DO PASS.**

Discussion: **REP. STANFORD** asked if SB 153 had passed the senate. **CHAIRMAN CLARK** said yes, however it was not scheduled for a hearing in the house until after transmittal. **REP. WHALEN** asked what would happen if both the senate and the house passed HB 336 and the house also passed SB 153. **Ms. Lane** explained there would be no problem as long as the language was identical in the two sections which were amended. **REP. WHALEN** supported the motion.

REP. TASH asked if there was anything in HB 336 that did something which the senate bill did not. **Ms. Lane** said no.

Vote: **HB 336 DO PASS.** Motion carried unanimously.

EXECUTIVE ACTION ON HJR 10

Motion: **REP. MASON MOVED HJR 10 DO PASS.**

Motion/Vote: **REP. VOGEL** moved the amendment suggested by mr. Kologi, and also to direct the secretary of state to send copies of hjr 10 to the united states secretary of transportation. **EXHIBIT 7** Motion carried 14 to 2 with **REPS. ANDERSON** and **BARNETT** opposed.

Motion/Vote: **REP. MASON MOVED HJR 10 DO PASS AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 478

Motion: **REP. VOGEL HB 478 DO PASS.**

Discussion: **REP. HANSON** noted that the bill would need to be amended to state the effective date. **Ms. Lane** explained that the department wanted to "grandfather in" existing permits to save money. The four-year limitation would only apply to permits issued after the effective date of the bill. She suggested wording for the bill. **EXHIBIT 8.**

Motion/Vote: **REP. KELLER** made a substitute motion to amend HB 478 as proposed in exhibit 8. Motion carried unanimously.

Ms. Lane explained that **Mr. Roberts** requested language be added to the bill allowing the division to issue temporary handicapped permits.

Motion/Vote: **REP. MASON** made a substitute motion to amend HB 478. **EXHIBIT 8.** The motion carried unanimously.

Motion/Vote: **REP. VOGEL MOVED HB 478 DO PASS AS AMENDED.** The motion carried unanimously.

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION **COMMITTEE**

ROLL CALL **DATE** Feb. 15, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

HOUSE STANDING COMMITTEE REPORT

February 16, 1993

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 336 (first reading copy -- white) do pass .

Signed: Robert C. Clark

Robert C. Clark, Chair

Committee Vote:
Yes 17, No 0.

3810515C.Hss

HOUSE BILLS STATUS SHEET

HIGHWAYS AND TRANSPORTATION COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	DC DO CONCUR	DNC DO NOT CONCUR	DCAA DO CONCUR AS AMENDED	DNCAA DO NOT CONCUR AS AMENDED
HB 336	2/22	3/16,18	3/18	DC			
HB 337	2/9	3/4	3/4	DC			
HB 397	3/2	3/11,18,25	3/25			DCAA	
HB 404	2/16	3/9	3/9	DC			
HB 446	2/22	3/9	3/9	DC			
HB 478	3/2	3/16,18,11	3/18			DCAA	
HB 483	3/27	4/6,12,13	4/13	DC			
HB 530	3/2	3/16,25	3/25			DCAA	
HB 541	3/2	3/16,25	3/25	DC			
HB 565	2/22	3/4,9	3/9			DCAA	
HB 572	3/2	3/18,25 4/12,13	4/13			DCAA	
HB 606	3/2	3/18	3/18			DCAA	
HB 679	4/2	4/2,6,13	4/13			DCAA	

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, Chair, on March 16, 1993, at 3:14 p.m.

ROLL CALL

Members Present:
Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. Francis Koehnke (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: Sen. Doc Rea

Members Absent: Sen. John Harp

Staff Present: Tom Gomez, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 336, HB 541, SB 373, HB 530,
Executive Action: None.

HEARING ON HOUSE BILL 336

Opening Statement by Sponsor:
Rep. Bird, House District 52, said she was submitting HB 336 at the request of the county treasurers. She stated HB 336 would abolish the requirement that vehicle owners provide certification of compliance with the Financial Responsibility Law prior to registering their vehicle. She explained the registration receipt would state that unless the vehicle is eligible for an exemption under MCA 61-6-303, it is unlawful to operate the vehicle without a valid motor vehicle liability insurance policy, a certificate of self-insurance or a posted indemnity bond as required by MCA 61-6-301.

Rep. Bird informed the Committee that **SEN. DOHERTY** was also sponsoring a bill, SB 153, which addresses the same section and

contains the same language as HB 336. She said SB 153 would also provide for a tier of fines, but added she was unsure whether or not SB 153 would pass through House Judiciary. She told the Committee that both bills were drafted by **John MacMaster** . She said he had assured her no problem would exist if both HB 336 and SB 153 were to pass unless one were amended in a way which conflicted with the section as that section reads in the other bill. She mentioned that **SEN. TOWE** had sponsored SB 55 which would have provided that a vehicle would be confiscated on the third conviction.

Proponents' Testimony:
Cort Harrington, Montana County Attorneys Association, stated County Treasurers Association had asked that HB 336 be introduced. He emphasized that HB 336 would not abolish the insurance requirement but simply eliminate the mandatory signature upon motor-vehicle registration. He explained a primary problem is that the current law is unenforceable. He said it would be virtually impossible for some county prosecutor to convict anyone of false swearing if they sign the certificate and did not have insurance. According to **Mr. Harrington**, the burden of proof would rest on the state to verify that the person had insurance on that particular day. He added nothing would prevent someone from having insurance and canceling it the day after they signed. He concluded there were more appropriate methods to approach people who drive without automobile insurance than the current method. He stated he understood the Motor-Vehicle Division of the Department of Justice also supported HB 336.

Peter Funk, Department of Justice, stated **SEN. DOHERTY** was carrying SB 153 which also includes the removal of this certification on behalf of his department. He said the Department of Justice has been in favor of removing this certification for the last two sessions and supports HB 336.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
SEN. MCCLERNAN asked **Mr. Harrington** to elaborate on the other methods of addressing people who drive without insurance. **Cort Harrington** said those methods were largely contained in SB 153, which would involve seizing the vehicle, and instituting additional fines.

CHAIRMAN WEEDING asked if anybody had suggested coordinating language between HB 336 and SB 153. As long as neither bill is amended, **Rep. Bird** said coordinating language is not necessary because the language used in both bills is identical. She expressed her suspicion that SB 153 would not get out of the House Judiciary Committee.

Closing by Sponsor:
Rep. Bird closed.

HEARING ON HOUSE BILL 541

Opening Statement by Sponsor:
Rep. Linda Nelson, House District 19, stated HB 541 would allow county commissioners to form a rail authority where there is an abandoned railroad so that they could find a short-line operator to continue operation. She said HB 541 would allow the county commissioners to levy up to six mills with a public referendum for this purpose. She emphasized the main purpose of HB 541 is not to buy a railroad, but to keep grain going by rail instead of by highway. According to **Rep. Nelson**, HB 541 used portions of a Minnesota law, the Port Authority Law, and the Montana Urban Transportation District Laws. She informed the Committee HB 541 was amended in the House to address the concerns of the unions and of Burlington Northern (BN). She said the House Committee assured the union that HB 541 does not represent a buy out for BN and assured BN that HB 541 would only allow the management of abandoned railroads within the authority. She explained that other amendments established Public Service Commission (PSC) regulation and made a public referendum part of the process to establish a rail authority.

Rep. Nelson walked the Committee through HB 541, explaining the specific content of each section. She noted that HB 541 would exempt mills levied for the rail authority from the property tax limitations of Initiative 105 (I-105) and places the rail authorities under PSC jurisdiction.

Proponents' Testimony:
Mary Nielsen, Association for Branch Line Equality, spoke from prepared testimony in favor of HB 541 (Exhibit #1).

SEN. BRENDEN, Senate District 10, said starting April 1979 Northeastern Montana went through one of the longest and most severe droughts ever experienced, he added it was about twice as long as the infamous drought of the thirties. **SEN. BRENDEN** said Valley and Daniels counties have lost 20-25 percent of their population as a result of these dry years. According to **SEN. BRENDEN**, prior to 1979 grain elevators had been shipping about 1000 cars on the branch line from Opheim, but that number has now decreased to maybe 100. He stated since the land is once again productive, farmers need an alternative way to get their grain to market. He said a short-line railroad ending at Whitetail, MT has been established on the Sioux Line and is beneficial for his area. He stated the roads in northeastern Montana are "in terrible straits" and added that providing alternative methods of shipping grain at competitive rates would help to save the roads.

EXECUTIVE ACTION ON HOUSE BILL 336

Discussion:
CHAIRMAN WEEDING stated HB 336 was requested by the County Treasurers Association and was supported by the Department of Justice.

SEN. REA asked what HB 336 would do.

CHAIRMAN WEEDING said HB 336 would remove the requirement for the county treasurers to get proof that a motorists had auto insurance. **SEN. SWYSGOOD** stated HB 336 would place a statement on the vehicle registration receipt announcing it was unlawful to operate a vehicle without insurance. He said HB 336 would also strike the requirement that owners document that they have insurance when licensing their vehicle. He said HB 336 would remove the county treasurers from that documentation process.

Motion:
SEN. BRUSKI-MAUS moved HB 336 BE CONCURRED IN.

Discussion:
SEN. REA asked if there was a penalty for noncompliance either in HB 336 or somewhere else in statute. **Tom Gomez** replied penalties currently exist for falsifying certifications, but added HB 336 would abolish those penalties.

CHAIRMAN WEEDING asked if there was some generic penalty for non-compliance, and **SEN. SWYSGOOD** replied provisions exist in other sections of Montana statute which establish a fee penalty for the non-compliance with the insurance requirement. He stated HB 336 would remove the penalty for lying on the current form because it would also abolish the form. He stated in his area, the usual fine for people driving without proof of insurance was $125.

Vote:
The MOTION THAT HB 336 BE CONCURRED IN CARRIED UNANIMOUSLY. **SEN. STANG** will carry HB 336 on the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 397

Discussion:
CHAIRMAN WEEDING introduced an amendment **SEN. HALLIGAN** would like included in HB 397. **CHAIRMAN WEEDING** explained the amendment would provide that handicapped persons as defined in MCA 39-30-103 may obtain a free identification card (I.D.) (Exhibit #5). He said **Jill Rohyans** had actually requested the amendment. He said, according to **Ms. Rohyans,** these persons need I.D.s in order to take advantage of other benefits. **CHAIRMAN WEEDING** said she had advised him that free I.D.s were currently available.

SEN. REA asked if an I.D.s was the same as a driver's license.

ROLL CALL

SENATE COMMITTEE Highways & Transport DATE March 18, 1993

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CECIL WEEDING, CHAIR	X		
SENATOR BETTY BRUSKI-MAUS, V-CHAIR	X		
SENATOR DARYL TOELJS	X		
SENATOR JOHN HARP		X	
SENATOR FRANCIS KOEHNKE	X		
SENATOR JACK "DOC" RIBA	X		
SENATOR LARRY TVELT	X		
SENATOR CHARLES SYLVSGOOD	X		
SENATOR BARRY "SPOOK" STANG	X		
SENATOR HENRY McCLERNAN	X		

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 18, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 336 (first reading copy -- blue), respectfully report that House Bill No. 336 be concurred in.

Signed: Cecil Weeding
Senator Cecil Weeding, Chair

m - Amd. Coord.
mv Sec. of Senate

Sterna
Senator Carrying Bill

611739SC.Sma